

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
HATTIESBURG DIVISION**

PATRICK JACKSON

PLAINTIFF

VERSUS

CIVIL ACTION NO. 2:11cv249KS-MTP

GEICO CASUALTY COMPANY

DEFENDANT

ORDER

This matter is before this Court as a result of the Court's March 15, 2012 Remand Order finding that the removal of this case was improvident and that the plaintiff, Patrick Jackson, is entitled to costs and attorney fees. The Court, having reviewed the affidavit of fees and expenses incurred in connection with the Motion to Remand, and being otherwise fully advised in the premises, finds as follows, to-wit:

In setting an award of attorney's fees, this Court must first determine the "lodestar" amount by "multiplying the number of hours reasonably spent on the litigation times a reasonable hourly billing rate." *Watkins v. Fordice*, 7 F.3d 453, 457 (5th Cir. 1993). The affidavit submitted by Plaintiff's Counsel shows twelve hours of attorney time at \$250.00 per hour and \$50.00 for computer assisted research for a total of \$3,050.00. The affidavit also states that more time than this was actually expended on the remand issue. The affidavit further states that the attorney's billing rate of \$250.00 per hour is his usual rate for out-of-court time and has been for a number of years.

After a thorough review of this matter, the Court finds that the time spent by Plaintiff's Counsel is reasonable under the circumstances. However, a review of the

lodestar factors indicates that Counsel's fee rate is beyond that customarily charged in this area for work of this type. The Court finds that a rate of \$200.00 per hour is more in line for work of this type and that it is reasonable under the facts of this case. Thus the Court finds that Counsel for Plaintiff is entitled to attorney's fees of \$2,400.00 and \$50.00 for computer assisted research for a total award of \$2,450.00.

IT IS THEREFORE ORDERED AND ADJUDGED that Defendant pay unto the Plaintiff in this cause, a sum in the amount of \$2,450.00 as attorney's fees and expenses within 10 days of the entry of this order..

SO ORDERED AND ADJUDGED, this the 27th day of March, 20012.

s/ Keith Starrett
UNITED STATES DISTRICT JUDGE